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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JAMES LEE BURNS, *et al.*,

10 Plaintiffs,

11 v.

12 SCOTTSDALE INSURANCE COMPANY,

13 Defendant.
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Case No. C08-1136RSL

ORDER GRANTING
MOTION TO COMPEL

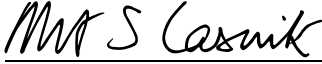
16 This matter comes before the Court on defendant's motion to compel plaintiff Lacey
17 Filosa to provide complete responses to defendant's first set of discovery requests propounded
18 on September 30, 2008. Counsel met and conferred on November 10, 2008 regarding the
19 responses, but they were unable to come to an agreement.

20 Although Filosa served her responses to the requests, she did not provide substantive
21 information in response to most of the interrogatories and requests for production. She refused
22 to produce information related to her co-plaintiffs, even though that evidence is within her
23 control. Although she objects to some of the requests on relevancy grounds, those requests
24 appear reasonably calculated to lead to the discovery of admissible evidence on the issue of
25 defendant's fraud and collusion defense. Furthermore, Filosa has not responded to the motion,
26 which the Court construes as an admission that the motion has merit. Local Rule 7(b)(2).
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1 Accordingly, defendant's motion to compel (Dkt. #38) is GRANTED. Filosa must
2 provide complete responses to the requests within ten days of the date of this order.

3 The Court also notes that although defendant was entitled to seek sanctions, it did not do
4 so. Instead, it states that it will pursue sanctions at a later time if Filosa's pattern of non-
5 responsiveness repeats itself. Defendant's Reply at p. 2. Plaintiffs are cautioned that the pattern
6 must not repeat itself. If it does, the Court would be inclined to grant a request for sanctions.

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8 DATED this 22nd day of January, 2009.

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12 Robert S. Lasnik
13 United States District Judge
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